GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Industries & Commerce Department - Mines & Geology - Vigilance Report - Allegations of irregularities against the Contractor of Bhupatipalam Reservoir Project on sale of surplus 40 mm Metal to other Contractors East Godavari District- Sri P. Raja Babu, the then Asst. Director of Mines & Geology Rajahmundry - Departmental Proceedings under Rule-20 of Andhra Pradesh Civil Services (Classification, Control and Appeal Rules, 1991 - Articles of charges - issued.

INDUSTRIES AND COMMERCE (VIG) DEPARTMENT

G.O.RT.No. 4 Dated: 04-01-2021.

Read the following:

1. From the GA(V&E) Dept Vigilance Report No. 18, Dt:29.09.2014.
2. Govt. Memo No. 11128/Vig.A1/2014; Dt: 21.06.2019.
3. From DMG, Letter No. 13597/E1/Vg/2014; Dt: 17.10.2019
4. G.O Rt No.1, Ind & Com (Vig) Dept., dated.04.01.2021.

ORDER:

It is proposed to hold an inquiry against Sri P. Raja Babu, the then Asst. Director of Mines & Geology (ADM&G) Rajahmundry, presently working as Joint Director of Mines & Geology, Ibrahimpatnam in accordance with the procedure laid down in Rule-20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules,1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges and statement imputations (Annexures-I&II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexures III & IV).

3. Sri P. Raja Babu, the then Asst. Director of Mines & Geology ADM&G Rajahmundry, presently working as Joint Director of Mines & Geology, Ibrahimpatnam is directed to submit his written statement of defence within 10 days from the date of receipt of this order and also to state whether he desires to be heard in person.

4. Sri P. Raja Babu, the then Asst. Director of Mines & Geology ADM&G Rajahmundry, presently working as Joint Director of Mines & Geology, Ibrahimpatnam is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri P. Raja Babu, the then Asst. Director of Mines & Geology ADM&G Rajahmundry, presently working as Joint Director of Mines & Geology, Ibrahimpatnam is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above further action will be taken based on the material available.

6. Attention of Sri P. Raja Babu, the then Asst. Director of Mines & Geology ADM&G Rajahmundry, presently working as Joint Director of Mines & Geology, Ibrahimpatnam is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, and A.P.Revised Pension Rules'1980 under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri P. Raja Babu, the then Asst. Director of Mines & Geology ADM&G Rajahmundry, presently working as Joint Director of Mines & Geology O/o DMG, Ibrahimpatnam is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O)

7. The receipt of the G.O may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P. Raja Babu, the then Asst. Director of Mines & Geology, Rajahmundry presently working as Joint Director of Mines & Geology, O/o DMG, Ibrahimpatnam(Through Director of Mines & Geology)
The Director of Mines and Geology, Ibrahimpatnam , Vijayawada (with request to serve & return served copy to Government)
Sf/Sc

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE –I

Article of Charges against Sri P. Raja Babu, the then ADM&G, Rajahmundry presently working as JDM&G, Ibrahimpatnam.

Charge 1.

That he while working as Asst. Director of Mines & Geology, Rajamahendravaram, the following irregularities have taken place during his tenure from (tenure 06.07.2009 to 03.11.2009).

Failed to obtain quarterly returns from the lease holder (i.e EE, Musurumilli Division, Dowleswaram).

During his incumbency of Sri P. Raja Babu, the then ADM&G, Rajamahendravaram, the lease holder/lessee has not submitted quarterly returns in form-C and not produced any records before 30th April in every year and not taken any valid permits from Dy. Director Mines & Geology, Kakinada for dispatching the quarry material from quarry leased area which is against APMMC Rules -1966, thus violated Rule-3 of APCS Conduct Rules 1964.

Charge 2.

Failed to prevent the unauthorized quarrying and crushing operations in between 1st & 2nd lease period (from 20.07.2009 to 30.12.2009) for a period of 5 months.

The Vigilance & Enforcement Officials mentioned that during the inspection of Mines & Geology Officials on 29.08.2009 they have not identified that the quarrying and crushing operations were going on beyond the lapse of quarry lease period of 2 years (i.e., 20.07.2009 to 19.07.2009) and recommended the grant proposals for further extension period of 8 months by the ADM&G, Rajahmundry.

Thus unauthorised quarrying and crushing operations were done by the MAYTAS infra Pvt Ltd during non sanction period from 20.07.2009 to 30.12.2009 without taking any permission from ADM&G Rajahmundry and DDM&G Kakinada thus he failed to take any action neither in preventing illegal mining activity in the alleged area nor brought to the notice of the Higher Officials through his reports thus he violated Rule-3 of APCS Conduct Rules 1964.

Charge 3.

Failed to appraise the Rule positions stipulated in the Agency Tracts Interest and Land Transfer Act 1917 (Act No. 1 of 1917), before the Project Director, ITDA, Rampachodavaram, during execution of the work. The Vigilance & Enforcement Officials mentioned that during his tenure Sri P. Raja Babu, the then ADM&G, Rajamahendravaram examined the above aspects and recommended Quarry lease for Roadmetal in the above said area in favour of Executive Engineer, Musurumilli Division to the Dy. Director of Mines & Geology, Kakinada. But leasing out the quarry land to the EE is not only against the conditions stipulated in the Agency Tracts interest and Land Transfer Act,1917 (Act No.1 of 1971) but also against the CCA Rules in vogue. As per the above act, 'Immovable property' includes land and house property - Lease of Building in a scheduled area to a non-tribal is void, thus he violated Rule (3) of APCS Conduct Rules 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE –II

Statement of imputations on Misconduct / Misbehaviour in support to the charges framed against Sri P. Raja Babu, the then Asst. Director of Mines & Geology, Rajamundry at present working as Joint Director of Mines & Geology, Ibrahimpatnam, Vijayawada.

Sri P. Raja Babu, Asst. Director, Mines & Geology, Rajahmundry during the period 06.07.2009 to 03.11.2009.

The Vigilance & Enforcement Officials mentioned that they contacted the petitioner Sri Turram Venkateswara Dora, Mandal Congress President & ExMPTC, New Gandhinagar, Rampachodavaram of East Godavari District and enquired about the allegations made by him in the petition.

Further the V&E Officials mentioned that during his tenure as ADM&G, the then said quarry was operated for 13 days only. Basing on the requisition of the executing agency M/s MAYTAS Infra Pvt Ltd., the Asst. Director, Mines & Geology, Rajahmundry executed lease deed on 20.07.2007 and work orders have been given vide Proc.No.339/Ql/2007, dated. 20.07.2007 and the lease period will be in force upto 19.07.2009 in favour of EE, Musurumalli Division, Dowlaiswaram for utilising the metal in the work of Bhupathipalem reservoir Project subjected to the satisfaction of APMMC Rules 1966. But leasing out the quarry land to the EE is not only against the conditions stipulated in the Agency tracts Interest and Land Transfer Act, 1917 (Act No. 1 of 1971) but also against the CCA Rules in vogue. As per the above Act, 'Immovable property' includes land and house property - Lease of Building in a scheduled area to a non-tribal is void.

Unauthorised quarrying and crushing operations were done by the M/s MAYTAS Infra Pvt Ltd., during non sanction period from 20.07.2009 to 30.12.2009 without taking any permission from ADM&G, Rajahmundry or DDM&G, Kakinada.

Further during the inspection of V&E Officials on 11.09.2013 & 20.09.2013 around 12 cum of crushed metal were observed at stock yard in Sy.No.75 of Gandhinagaram (V), Rampachodavaram (M) of East Godavari District observed that the above quarry area, quarrying and crushing operations were done by the M/s MAYTAS Infra Pvt Ltd., who is the contractor of Bhupathipalem reservoir project for the entire lease period of 2 years 8 months i.e., from 20.07.2007 to 19.07.2009 and from 31.12.2009 to 30.08.2010.

Further mentioned that on verification of records revealed that, the lessee (EE, Musurumilli Division, Dowlaiswaram) or Maytas Infra Pvt Ltd/ Executing Agency have not maintained and submitted any quarterly returns in Form-C to the Asst. Director of Mines & Geology and Dy. Director of Mines & GO RT/2/2021/INC01-Industries and Commerce File No.INC01-MG/19/2020-VIG Geology during the entire quarry lease period of 02 years 8 months, which is against the APMMC Rules, 1966 and held responsible for the same and thus violated Rule-3 of APCS (Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
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ANNEXURE-III

DOCUMNETARY EVIDENCE:-

1.	RDO, Ramapachodavaram Lr. No. (C) 291/2007, Dt: 31.05.2007.
2.	ADM&G, Rajahmundry Lr.No. 339/Q1/2007, Dt: 15.06.2007 (Annexure - 6 of VR Report)
3.	PD, ITDA Lr. No. Rc. No.T8/R&R/64-2/2007, Dt: 02.07.2007. (Annexure - 5 of VR Report)
4.	DDM&G, Kakinada Procs. No. 1810/Q1/2007, Dt: 03.07.2007 (Annexure – 6a of VR Report)
5.	ADM&G, Rajahmundry Procs .No. 339/Q1/2007, Dt: 20.07.2007 (Annexure – 6b of VR Report)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE-IV

List of Witnesses:

1.	Sri D.V.Ranga Kumar, Assistant Director of Mines & Geology, Rajahmundry & Deputy Director of Mines & Geology (FAC), Kakinada.
2.	Sri G. Srinivas, Assistant Geologist, O/o ADM&G, Rajahmundry.

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